

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOEY D. HUSTON,

Defendant.

8:22CR87

ORDER

Defendant made an oral motion to continue the trial because the parties have executed a pretrial diversion agreement and request the matter be reset. The motion to continue is unopposed. The undersigned magistrate judge held a telephone conference with the attorneys. Based on the comments of counsel on the telephone conference, the court finds the oral motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's Unopposed Oral Motion to Continue the Jury Trial is granted.
- 2) The trial of this case is continued pending further order of the court.
- 3) A telephonic conference with counsel will be held before the undersigned magistrate judge at 10:30 a.m. on December 6, 2024. The parties will use Restricted Order [41] for conference connection instructions.
- 4) In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and December 6, 2024**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 30th day of May, 2024.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge